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JAN 27 2006

TECHNOLOGY CENTER 2100

In re Application of: Moore, et al.)
Application No. 09/805,200) DECISION ON PETITION FOR
Attorney Docket No. BU9-98-050DIV1) SUPERVISORY REVIEW
Filed: March 14, 2001) UNDER 37 CFR §1.181
For: MICROPROCESSOR INCLUDING)
CONTROLLER FOR REDUCED POWER)
CONSUMPTION AND METHOD
THEREFOR)

This is in response to the petition filed on October 19, 2005, under 37 CFR §1.181, to reinstate the Appeal in the above-referenced application.

A petition under this section must include: (1) a statement of facts involved and (2) the point or points to be reviewed and the action requested. The petition filed October 19, 2005 includes elements (1) and (2) above.

The petition is **GRANTED**.

RECENT PROSECUTION HISTORY

On October 13, 2004, the Examiner issued a Final Office action, rejecting all pending claims.

On December 13, 2004, an amendment after Final rejection (37 CFR §1.116) was filed.

On January 4, 2005, an Advisory action was mailed.

On February 14, 2005, Applicant filed a Notice of Appeal.

On April 14, 2005, Appellant filed an Appeal Brief.

On July 19, 2005, the Examiner REOPENED prosecution and a new Non-Final Office action was mailed, introducing a new ground of rejection with respect to claims 6 and 30.

On October 19, 2005, Appellant filed a supplemental Appeal Brief; along with the instant petition under 37 CFR §1.181 requesting reinstatement of the appeal.

RELIEF REQUESTED

The instant petition under 37 CFR 1.181 requests the following relief: to reinstate the Appeal in the above-referenced application.

BASIS OF OPINION

The relevant portions of the Statutes and Rules are reproduced below. Highlighting is added to draw attention to critical phrases.

§ 1.193 Examiner's answer and reply brief.

(b)

(2) Where prosecution is reopened by the primary examiner after an appeal or reply brief has been filed, appellant must exercise one of the following two options to avoid abandonment of the application:

(i) File a reply under § 1.111, if the Office action is not final, or a reply under § 1.113, if the Office action is final; or

(ii) Request reinstatement of the appeal. If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (§ 1.130, 1.131 or 1.132) or other evidence are permitted.

706.07(e) Withdrawal of Final Rejection, General

When a final rejection is withdrawn, all amendments filed after the final rejection are ordinarily entered.

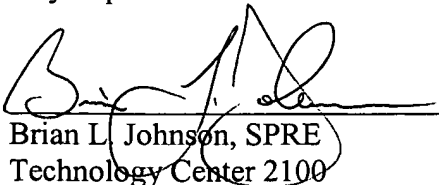
With respect to item 1 above, Petitioner's request for reinstatement of the Appeal is proper in accordance with 37 CFR §1.193(b)(2)(ii). Note, in addition, see paragraphs 2 and 3 of the Non-Final Office action mailed July 19, 2005. In addition, upon withdrawal of the Final rejection by the Examiner in the Office action mailed July 19, 2005, the amendment filed under 37 CFR §1.116 received on December 13, 2004 was entitled to entry in accordance with MPEP 706.07(e).

DECISION

Accordingly, the petition is **GRANTED**.

The application is being forwarded to the technology support staff to **PROCESS** the supplemental Appeal Brief and to place in the appropriate appeal status. Note, the appropriate fees have been paid since the Notice of Appeal fee was previously paid on February 28, 2005 and the Appeal Brief fee was previously paid on May 4, 2005. Thereafter, the application will be forwarded to the Examiner for appropriate action and consideration of the supplemental Appeal Brief.

Any inquiries related to this decision may be directed to the undersigned at (571) 272-3595.



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Computer Architecture, Software, and Information Security